

MICHAEL E. BILLINGS
Claimant
VS.
ESSEX GROUP, INC.
Respondent
AND
INSURANCE COMPANY
STATE OF PENNSYLVANIA
Insurance Carrier

The record is void of any evidence showing claimant provided notice to the respondent within ten (10) days of March 20, 1995. The record is further void of any

evidence as to whether just cause existed to explain claimant's failure to provide notice within the time limit specified in K.S.A. 44-520. As such the Appeals Board finds that while claimant has proven accidental arising out of and in the course of his employment on March 20, 1995, claimant has failed to prove notice within ten (10) days of said accident date as required by K.S.A. 44-520 and has failed to provide just cause as to this failure to provide notice.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer date August 22, 1995 should be, and is, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of November 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Frederick J. Patton II, Topeka, KS
Matthew S. Crowley, Topeka, KS
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director